

RECEIVED
BY MAIL
AUG 26 2022

22-cv-2108 PJS/LIB

CLERK
U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

COMPLAINT WITH JURY DEMAND

INTRODUCTION

THIS is a civil rights action filed by Howard W. Amos, for damages and injunctive relief under 42 U.S.C. § 1983, alleging excessive use of force and Medical Malpractice, in violation of the Eighth Amendment to the United States Constitution and in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution. The plaintiff also alleges the Torts of assault and battery and negligence.

JURISDICTION

- 1) The court has jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. §§ 1331(1) and 1343.
2. The court has supplemental jurisdiction over the plaintiff's state law tort claims under 28 U.S.C. § 1367.

PARTIES

3. The plaintiff Howard W. Amos was not incarcerated at the time during the event described in this complaint.

4. Defendants Ryan Kelly, Chad Conner, Peng Moua, Dirk Spee, *Ryan Miller*, and Kurtis Schoonover are employed with the Minneapolis Police department. They are sued in their individual and official capacities.

5. Defendants John Doe and Jane Doe, is employed with North Memorial Medical Center, whose name is presently unknown to the plaintiff. They are sued in their individual capacity.

6. Defendant North Memorial Medical Center is responsible for the above two unknown employee's that work for them, They is sued in their individual and official capacities.

7. All the defendants have acted and continued to act under color of state law at all times relevant to this complaint.



FACTS

8. On September 2, 2016, plaintiff was speeding and was eventually stopped by Officer Ryan Miller. There was a short chase and once Officer Kelly got a good grab on the plaintiff he punched him in the face multiple times, he beat him with a flashlight hitting him the back of the head, he choked him as well. The other named defendants helped officer miller in the beating of the plaintiff. North Memorial Medical Center was contacted to aid the plaintiff. But they arrived and made the situation worse. As the EMT's was suppose to to help they sedated and intubated the plaintiff and the plaintiff had a respiratory failure and a bradycardic arrest. CPR and other emergency measures, were utilized. He was also admitted into Intensive Care Unit(ICU), in critical condition.

CLAIMS FOR RELIEF

9. The actions of defendants Kelly, Miller, Conner, Moua, Spee, and Schoonover, in using physical force against the plaintiff without need or provocation, or in failing to intervene to prevent the misuse of force, were done maliciously and sadistically, and constituted cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution.

10. The actions of defendants Miller, Conner, Moua, Spee, Kelley, and Schoonover in using physical force against the plaintiff without need or provocation constituted the tort of assault and battery under the law of your state.

11. The actions of defendants emergency medical technicians (EMT's) names unknown at this time to plaintiff, failed to use good judgement, when they administer the wrong amount of dosage of sedated medication, which almost killed plaintiff. The above matter is a violation of the Eighth Amendment to the United States Constitution.

12. The failure of North Memorial Medical Center Administration directors, to hold accountable their above (employees) who's names are not known at this time, are responsible for negligence of the employees who failed to properly do their job, denied plaintiff due process of law in violation of the Fourteenth Amendment to the United States Constitution.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that the court grant the following relief:

A. Issue a declaratory judgment stating that:

1. The physical abuse of the plaintiff by defendants Miller, Kelley, Conner, Moua, Spee, and Schoonover violated the plaintiff's rights under the Eighth, and fourteenth Amendment to the United States Constitution and constituted an assault and battery under state law.
2. Defendants Miller, Kelley, Conner, Moua, Spee, and Schoonover failed to take action to curb the physical abuse of the plaintiff violated the plaintiff's rights under the Eighth and Fourteenth to the United States Constitution and constituted an assault and battery.
3. Defendant Minneapolis Police Department failed to take action and hold the above six defendants accountable and take disciplinary action for the brutality which violated plaintiff's Eighth and Fourteenth Amendment of the United States Constitution.
4. Defendants Emergency medical technicians(EMT's) actions failed to provide adequate medical care for the plaintiff violated the plaintiff's rights under the Eighth and Fourteenth Amendment of the United States Constitution.
5. Defendant North Memorial Medical Center failed to provide adequate medical care for the plaintiff violated plaintiff's rights under the Eighth and Fourteenth Amendment of the United States Constitution.

B. Award compensatory damages in the following amounts:

1. \$125,000 jointly and severally against defendants Miller, Kelley, Conner, Moua, Spee, Schoonover, and Minneapolis Police Department for the physical and emotional injuries sustained as a result of the plaintiff's beating.
2. \$125,000 jointly and severally against defendants (EMT's) and North Memorial Medical Center for the physical and emotional injury resulting from their failure to provide adequate medical care to the plaintiff.

C. Award punitive damages in the following amount:

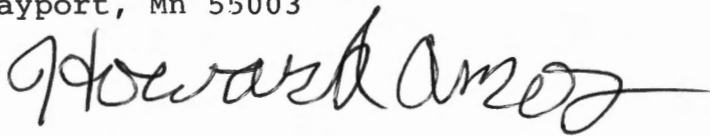
1. \$10,000 each against defendants Miller, Kelley, Conner, Moua, Spee, and Schoonover
2. \$65,000 against defendant Minneapolis Police Department
3. \$25,000 each against EMT's(workers)

4.\$100,000 against North Memorial Medical Center.

D. Grant such other relief as it may appear that plaintiff is entitled.

Dated: 8-23-22
Respectfully Submitted,

Howard W. Amos
OID
970 Pickett Street North
Bayport, Mn 55003

A handwritten signature in black ink, appearing to read "Howard Amos", with a long horizontal flourish extending to the right.